

**Federal Defenders**  
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November 13, 2020

**Via ECF and E-Mail**

The Honorable Rachel P. Kovner  
United States District Judge  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *United States v. Shipp*, 19 Cr. 29 (RPK)

Dear Judge Kovner:

The defense requests that the Court charge the jury regarding the “theory of defense” as part of the jury charge. *See, e.g., United States v. Dove*, 916 F.2d 41, 47 (2d Cir. 1990) (“criminal defendant is entitled to instructions relating to [his] theory of defense, for which there is some foundation in the evidence, no matter how tenuous the defense may appear to the trial court.”); *United States v. Durham*, 825 F.2d 716, 719 (2d Cir. 1987) (reversing conviction for failure to given theory of defense instruction).

Specifically, the defense requests that the Court instruct the jury regarding the theory of defense as follows:

“Alonzo Shipp contends that he never possessed the Sig Sauer 9 mm gun found in the dumpster on Sutphin Blvd. or the shell casing found on the sidewalk in front of 117-26 147<sup>th</sup> Street.”

Respectfully Submitted,

\_\_\_\_\_/s/\_\_\_\_\_  
Ashley M. Burrell  
Deirdre D. von Dornum  
Federal Defenders of New York  
Attorneys for *Alonzo Shipp*

cc: Counsel of Record (by Email and ECF)